Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Application of BellSouth Corporation	)	
Pursuant to Section 271 of the	)	CC Docket No. 01-277
Telecommunications Act of 1996	)	
To Provide In-Region, InterLATA Services	)	
In Georgia and Louisiana	)	

REPLY DECLARATION OF

JAY M. BRADBURY

ON BEHALF OF

AT&T CORP.

TABLE OF CONTENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Application of BellSouth Corporation	)	
Pursuant to Section 271 of the	)	CC Docket No. 01-277
Telecommunications Act of 1996	)	
To Provide In-Region, InterLATA Services	)	
In Georgia and Louisiana	)	

REPLY DECLARATION OF JAY M. BRADBURY
ON BEHALF OF AT&T CORP.

1. My name is Jay M. Bradbury. My business address is 1200 Peachtree Street, Suite 8100, Atlanta, Georgia 30309. Currently I am employed by AT&T Corp. ("AT&T") as a District Manager in the Law and Government Affairs Organization. I submitted a Declaration in this proceeding on behalf of AT&T on October 19, 2001 ("Bradbury Decl.").

2. The purpose of this Reply Declaration is to respond to the comments filed with this Commission by the Georgia Public Service Commission ("GPSC") and the Louisiana Public Service Commission ("LPSC") regarding BellSouth's application for authority to provide in-region, interLATA service in both Georgia and Louisiana. Specifically, this Reply Declaration addresses the comments of the GPSC and the LPSC regarding: (1) parsing of Customer Service Record ("CSR") information; (2) the due date functionality that BellSouth provides to CLECs; (3) the rates of flow-through and manual processing for CLEC orders; (4) BellSouth's provision of status notices to CLECs; and (5) the "regionality" of BellSouth's OSS. In the course of addressing the issue of the rates of flow-through and manual processing, I will respond to the *ex parte* presentation on flow-through data that BellSouth filed with this

Commission on October 25, 2001.[1] Finally, I will describe new exceptions and observations that KPMG has issued in its third-party testing of BellSouth's OSS in Florida since it issued the exceptions and observations described in AT&T's opening comments.

I. BELLSOUTH FAILS TO PROVIDE NONDISCRIMINATORY ACCESS TO PRE-ORDERING FUNCTIONS.

3. The Georgia PSC and Louisiana PSC find that BellSouth provides equivalent access to parsing functionality and due dates. GPSC Report at 87-89; LPSC Evaluation at 32-34. The PSCs are incorrect, however, for the reasons that I stated in my opening Declaration. Bradbury Decl., ¶¶ 27-51. Moreover, recent developments confirm the lack of parity of access in these areas.

A. BellSouth Does Not Provide Equivalent Access To Parsing Functionality.

1. The GPSC and LPSC suggest that CLECs can parse CSR data by using BellSouth's TAG pre-ordering interface. GPSC Report at 88; LPSC Evaluation at 33. This is not the case. As I previously testified, the information that BellSouth provides on RoboTAG™, although in readable form, cannot be parsed. Bradbury Decl., ¶ 39. It would be extremely difficult for CLECs to develop the functionality needed to parse this data independently of BellSouth. Bradbury Decl., ¶ 38 n.17.

2. Indeed, BellSouth itself has acknowledged the difficulty of developing parsing functionality. In response to CLECs' complaints that BellSouth is taking an unreasonably long time to develop the parsing functionality that it has promised in view of the fact that industry standards for CSR parsing already exist, Mr. Stacy stated that "The

[1] *See ex parte* letter from Jon Banks (BellSouth) to Magalie Roman Salas, dated October 25, 2001, in CC Docket No. 01-277 ("October 25 *ex parte*") (attached hereto as Attachment 1). BellSouth first submitted this presentation to the Department of Justice ("DOJ") on October 22,
(…continued to next page)

programming complexities and system interdependencies for this particular development preclude a simple implementation of industry standard parsing." Stacy Aff., ¶ 223. If the development of parsing functionality has been difficult for BellSouth, such development would be even more difficult for CLECs, especially since CLECs would encounter technical obstacles exclusively within BellSouth's control. Bradbury Decl., ¶ 38 n.17.

3. The GPSC and LPSC also cite the forthcoming implementation of parsing functionality by BellSouth scheduled for January 2002 as further evidence that BellSouth is meeting its obligation to provide equivalent parsing functionality. GPSC Report at 88; LPSC Evaluation at 33. However, the functionality to be implemented is not (as the GPSC suggests) "the parsing capability that AT&T seeks." GPSC Report at 88. The parsing capability sought by AT&T is the capability to which BellSouth and the CLECs agreed in late 2000. The specifications that BellSouth recently (and unilaterally) promulgated, however, do not fully implement the agreed-to functionality.[2]

4. Furthermore, it is far from clear that even the limited functionality that BellSouth has promised to implement will in fact be implemented by January 2002, as the GPSC and the LPSC have required. BellSouth previously promised the CLECs that it would post the TAG API specifications for the new functionality on its web site on November 9, 2001. However, on November 8, 2001, BellSouth advised the CLECs that it would *not* post the specifications on the following day. Instead, BellSouth stated only that it would provide

---

(…continued from previous page)
2001. *Id.*

[2] Bradbury Decl., ¶ 33; Comments of WorldCom at and Lichtenberg/Desrosiers/Kinard/Cave Declaration, ¶ 14 & Attachment 1 thereto.

"information" during the Monthly Status Meeting to be held on November 14, and specified no date on which the specifications will be made available.[3]

5. As a result of the failure of BellSouth to provide full CSR parsing functionality, and the inability of CLECs to develop such functionality independently, CLECs must populate CSR data into a Local Service Request ("LSR") manually. This manual entry of data increases the likelihood of errors, order rejection, and order fall-out. This likelihood would be reduced if BellSouth enabled CLECs to place UNE-P migration orders simply by using the customer's name and telephone number, without having to enter a service address on the LSR. Unlike BOCs such as Verizon and SWBT, however, BellSouth has not done so. *See Texas 271 Order*, ¶¶ 160, 178; Comments of WorldCom at 22-23.

6. As the Commission has noted, such "telephone number migration" would be particularly beneficial to CLECs, such as AT&T and WorldCom, who plan to provide local exchange service on a large-volume, mass-market basis. *Texas 271 Order*, ¶ 178. Such a functionality would also serve to reduce the costs and time that CLECs currently incur in manually entering address information onto LSRs and resolving problems resulting from CSR rejections or fall-out related to address errors. *See* Evaluation of the Department of Justice ("DOJ Eval.") at 23-24.

7. BellSouth has previously provided telephone number migration for resale orders. For nearly two years, CLECs have requested that BellSouth provide similar capability for UNE-P migration orders. On December 15, 1999, AT&T submitted a change request (CR0371) to BellSouth requesting that CLECs be permitted to order the UNE-P using only the

[3] *See* electronic mail message from BellSouth Change Control to CLECs, dated November 8, 2001 (attached hereto as Attachment 2).

customer's telephone number and street number information for validation purposes. A copy of CR0371 is attached hereto as Attachment 3. Similarly, in August 2000 WorldCom submitted a change request (CR0133) requesting that CLECs only be required to submit the customer's name and telephone number on UNE-P migration orders, and not be required to supply the service address. A copy of CR0133 is attached hereto as Attachment 4. Neither of these requests was implemented by BellSouth.

8. However, recognizing the benefits to competition from migration by telephone number, the GPSC recently approved its Staff's recommendation that BellSouth be required to implement "migration by telephone number and name" as a condition of its approval of BellSouth's Section 271 application for Georgia. The GPSC ordered BellSouth to implement this functionality by November 3, 2001. *See* Bradbury Decl., Att. 2.

9. As the Department of Justice notes, BellSouth initially responded to the GPSC's order by stating that it was unlikely to meet the November 3rd implementation date for telephone number migration. DOJ Eval. at 24-25 & n.80. Despite its initial position, BellSouth advised CLECs in a "Carrier Notification Letter" on November 2, 2001, that on November 3 – the very next day – BellSouth would implement Release 10.2, which would require a CLEC to populate only the name and telephone number on the LSR and would remove the preexisting requirement that the address field on the LSR be completed.[4]

10. However, the new "telephone number migration" functionality implemented by BellSouth is seriously defective. BellSouth acknowledged in its Carrier Notification Letter that, under the newly implemented functionality, UNE-P migration orders

[4] *See* BellSouth Carrier Notification Letter No. SN91082611, dated November 2, 2001 (attached hereto as Attachment 5).

lacking address information will *only* be processed correctly if only one address in BellSouth's Regional Street Address Guide ("RSAG") is associated with the telephone number on the LSR. BellSouth estimated that approximately 70 percent of all LSRs fall into that category. For the remaining estimated 30 percent of UNE-P migration orders, the order will be rejected or "auto clarified" back to the CLEC unless the address field on the LSR has been completed. *See* Attachment 5 hereto.

11. In a letter to the Georgia PSC dated November 5, 2001, BellSouth admitted that its telephone number migration functionality, as implemented, does not comply with the GPSC's order and that "it will be subject to daily fines of $10,000 until LSRs with one or more non-working addresses in RSAG are processed without being rejected or auto-clarified."[5] BellSouth advised the GPSC that it "expects" to be able to process all UNE-P migration orders through migration by telephone number (regardless of whether more than one address in RSAG is associated with the telephone number) by November 17, 2001. Attachment 6 hereto, at 2.

12. At this stage, it is unclear whether BellSouth will meet its timetable for full implementation of migration by telephone number. In any event, BellSouth has not shown that the migration by telephone number functionality that it implemented on November 3 works even when only one address in RSAG is associated with a telephone number on the LSR. Finally, even if migration by telephone number is fully implemented and works as the Georgia

[5] *See* letter from Bennett L. Ross (BellSouth) to Reece McAlister, Executive Secretary, GPSC, dated November 5, 2001, at 2 (attached hereto as Attachment 6).

PSC intended, CLECs will still need parsed CSR functionality to populate information such as the customer's name electronically into the LSR.[6]

13. CLECs have not been able to determine whether the migration by telephone number functionality implemented by BellSouth works successfully even to the limited extent that BellSouth claims, because BellSouth -- once again – has failed to follow the Change Control Process ("CCP").[7] As previously stated, BellSouth gave CLECs only one day's notice that the functionality would actually be implemented, after it had previously expressed doubt that it would be able to meet the November 3 deadline. Worse, BellSouth did not provide the business rules for this new functionality to CLECs until November 8, 2001 – five days *after* the functionality was implemented – thereby violating the CCP's requirement that such documentation be provided 30 days in advance of implementation.[8] And, because BellSouth has imposed a "moratorium" on the use of its "CAVE" testing environment until early December 2001, CLECs will be unable to test the new functionality until that time. *See* Stacy Aff., ¶¶ 179-180.

14. For these reasons, BellSouth has failed to provide CLECs with equivalent capability to integrate pre-ordering and ordering interfaces, and equivalent parsing functionality.

---

[6] *See* Comments of WorldCom at 25 & Lichtenberg/Desrosiers/Kinard/Cave Decl., ¶ 19.

[7] *See* Bradbury Decl., ¶¶ 228-236 (describing BellSouth's pattern of noncompliance with the CCP).

[8] *See* electronic message from BellSouth Change Control to CLECs dated November 8, 2001 (attached hereto as Attachment 7) (providing business rules and acknowledging that BellSouth was "not able to follow our normal intervals for providing documentation").

B. BellSouth Does Not Provide Parity of Access To Due Dates.

15. Both the GPSC and the LPSC conclude that BellSouth is providing CLECS with equivalent access to due dates, because BellSouth now provides an automatic due date functionality in the LENS and TAG interfaces. GPSC Report at 88; LPSC Evaluation at 34. The LPSC notes that BellSouth admits that "it has encountered problems with its release of functionality for the calculation of due dates for resale services that did not require dispatches and for SL1 loops with LNP and SL2 loops with LNP." LPSC Evaluation at 35. The LPSC nonetheless relies on BellSouth's assertion that it is "working swiftly to 'fix these problems'" and concludes that "intervention in this area is [not] presently warranted." *Id.*

16. Contrary to the conclusions of the GPSC and LPSC, however, BellSouth does not provide equivalent access to due dates. As I testified in my Declaration, due dates for CLEC customers are often later than those for BellSouth's own retail customers, due to the high rate of manual processing of CLEC orders. Bradbury Decl., ¶ 43. Moreover, the automatic due date calculator that BellSouth has installed, and on which the PSCs rely, often provides due dates that are erroneous. Even after BellSouth's purported "fixes" to the due date calculator in July and September 2001, AT&T found that 40 to 50 percent of the UNE-P orders that it was submitting were assigned due dates far longer than the standard intervals that AT&T had requested in the orders. It was for that reason that AT&T submitted a change request (CR0520) on October 12, 2001, requesting that BellSouth correct the problem. *Id.*, ¶¶ 44-49 & Att. 4.

17. In a response to CR0520 dated October 16, 2001, BellSouth admitted that its due date calculator still does not provide correct due dates. BellSouth stated that a "system defect" exists "which is causing the system to issue extended due dates. This issue will be corrected in a future release TBD [To Be Determined]." On October 23, BellSouth suggested

that CLECs experiencing problem with the due date calculator should use the "current workaround" that BellSouth implemented in June 2001. Under that workaround, "Orders that are calculated incorrectly will flow through the system and will be corrected by the LCSC [Local Carrier Service Center]," which will "re-FOC the order with the corrected due date before the order completes." A copy of CR0520 with BellSouth's responses (in Section 3 of the change request form) is attached hereto as Attachment 8.[9]

18. BellSouth's "workaround" solution, which calls for manual correction of due dates by the LCSC, would not provide CLECs with equivalent access to due dates, because it is unworkable. As envisioned by BellSouth, if an order is assigned an erroneous due date by the due date calculator, the order will nonetheless flow through, and the CLEC will receive a firm order confirmation ("FOC") with the erroneous due date – and the LCSC will then issue a second FOC providing a corrected due date. However, when the original order flows through without the manual intervention of the LCSC, the LCSC will not know that the due date for a particular FOC is erroneous unless and until it is so advised by the CLEC. Thus, the due date will be corrected only if the CLEC manually reviews each FOC, determines whether the due date on the FOC is correct, and then contacts the LCSC to request correction of due date errors.

19. The procedures that a CLEC must follow under BellSouth's proposed "workaround" would require the CLEC to expend considerable time and resources in order to correct errors for which BellSouth is responsible. Equally important, the procedures virtually ensure that even if the LCSC corrects the due date, the due date that the CLEC ultimately

[9] BellSouth's response to CR0520 suggests that the problems with the due date calculator affects only orders with Request Type MB, ACT of V, LNA of V, where the CLEC is deleting USOCs. *See* Attachment 8 hereto, Section 3. However, as AT&T's experience demonstrates, the problem affects many other UNE-P migration orders as well.

receives will be later than that originally requested – and later than those for BellSouth retail customers requesting similar service. Under BellSouth's procedures governing the submission of LSRs for the UNE platform ("UNE-P"), a CLEC must submit the LSR by 10 a.m. in order for the service to be provisioned on the same day. If BellSouth receives the LSR after 10 a.m., it will assign the next day as the due date. (In view of the early 10 a.m. deadline for same-day due dates, CLECs attempt to submit the order by 7 p.m. on the previous day, when the LCSC closes, in order to ensure "same-day service.")

20. Even if a CLEC submitted an LSR before 10 a.m. and received a FOC prior to that time, it is highly unlikely that it would be able to detect an erroneous due date *and* contact the LCSC in time to have the due date corrected before the deadline for same-day due dates expired. The actual, correct due date ultimately assigned by BellSouth will almost certainly be 1 day later than that requested on the LSR if the LSR is originally assigned an erroneous due date by BellSouth's due date calculator.[10] Thus, BellSouth's workaround imposes substantial costs on CLECs, with little likelihood of success. The deficiencies in this procedure, combined with BellSouth's failure to commit itself to a specific timetable to correct the flaws in its due date calculator, are simply further confirmation that BellSouth has not corrected the lack of parity in due date functionality identified in the *Second Louisiana Order*. *See Second Louisiana Order*, ¶¶ 104-106.

[10] BellSouth's "workaround" assumes that an order assigned an erroneous due date will flow through. If the order does not flow through, however, the due date that BellSouth assigns to the order also will often be later than the due date it assigns for retail customers ordering the same service on the same day, because BellSouth takes an average of 18 hours to return a FOC on a partially mechanized order. Bradbury Decl., ¶ 69. As described below, that delay is compounded by the failure of the LCSC to assign correct due dates for partially mechanized orders.

21. Undoubtedly recognizing the unfeasibility of its "workaround," BellSouth recently advised AT&T that it has implemented a "mechanical fix" that solves the due date calculator problem. According to BellSouth, its systems will review FOCs four times each day to determine whether the due dates exceed the standard interval and, if so, will issue a second FOC with a due date reflecting only the standard interval. This "mechanical fix," however, is insufficient to resolve the due date calculation problem.

22. As a preliminary matter, it is highly questionable whether BellSouth's "mechanical fix" truly addresses the problem with the due date calculator raised by AT&T. On November 9, 2001, after AT&T asked BellSouth when it would fix the due date problem described in AT&T's change request CR0520, BellSouth responded that it "currently does not have an implementation date for the correction of the extended due date problem with UNE-P orders" associated with CR0520 and was "working with [AT&T] to determine if there are any issues with the provided workaround."[11] This response is inconsistent with BellSouth's claims regarding its "mechanical fix." If BellSouth believes that its "fix" solves the problem raised in CR0520, one would have expected BellSouth to make that claim in its response, for the "workaround" would be unnecessary. The fact that BellSouth did not so state in its reply suggests that the problem has not been solved.

23. Moreover, BellSouth's "mechanical fix" appears to be an illogical method of resolving the problem. Because flaws in the due date calculator were the underlying source of the problem, the problem logically should have been resolved by fixing the calculator itself, so that correct due dates will be assigned at the time the LSR reaches BellSouth's Service Order

[11] *See* electronic mail message from BellSouth Change Control to CLECs, dated November 9, 2001 (attached hereto as Attachment 9).

Communications System ("SOCS") for the issuance of a FOC with the due date. BellSouth, however, has taken the more indirect course of programming its systems to check FOCs four times a day, indicating that the calculator has not been fixed and continues to assign incorrect due dates.

24. Leaving these facts aside, the "mechanical fix" clearly does not resolve BellSouth's inability to assign correct due dates on UNE-P orders. As AT&T understands BellSouth's solution, orders would flow through and be assigned a FOC even if the due date on the FOC exceeded the standard interval, and BellSouth's systems would review FOCs four times daily for due dates longer than the standard intervals. Because these reviews will be conducted only at certain times of the day, it is unlikely that BellSouth's systems would be able to detect incorrect due dates and re-issue a FOC in sufficient time to ensure that LSRs submitted before 10 a.m. will receive a same-day due date. For many (if not all) of these orders, BellSouth will ultimately assign the following day as the due date, ensuring that the CLEC's customer will not receive service at the same time as a BellSouth retail customer who requests the same service on the same date.[12] Moreover, it is likely that in many instances CLECs will discover the incorrect due date before BellSouth conducts its review and will therefore contact BellSouth to ensure that the correction is made, expending time and resources on a task that would be unnecessary if the due date calculator worked properly. Thus, it appears that the "mechanical fix" represents little (if any) improvement over BellSouth's "workaround."

25. Finally, the Georgia PSC's finding that "service requests that require manual handling are impacted the same with respect to due dates whether they originate from a

[12] BellSouth has stated that its "fix" (like the "workaround") applies only to fully mechanized orders (orders that flow through).

BellSouth retail customer or a CLEC" is incorrect. *See* GPSC Report at 89. If a CLEC's LSR falls out for manual processing by the LCSC, the due date assigned by BellSouth will likely be at least one business day later than the due date requested for the CLEC, because the LSR must wait in queue at the LCSC until the LCSC representative re-keys the order into BellSouth's systems. Only at that point will the LSR proceed to SOCS, which returns a FOC to the CLEC. In such circumstances, due to the delays in manual processing, the CLEC will not receive a FOC until 18 hours (on average) have passed since it submitted the LSR.

26. By contrast, the only "manual processing" of BellSouth's retail orders involves pre-ordering activities, such as determination of the services the retail customer desires. Once BellSouth enters a retail order in its RNS or ROS systems, the order flows through to SOCS in a matter of minutes, without any manual handling or re-keying by the LCSC. Thus, retail orders are not subject to the same delays, and the resulting likelihood of later due dates, as CLEC orders.

II. BELLSOUTH FAILS TO PROVIDE NONDISCRIMINATORY ACCESS TO ORDERING AND PROVISIONING FUNCTIONS.

A. BellSouth Continues To Place Excessive Reliance on Manual Processing.

27. The GPSC and the LPSC conclude that the current flow-through rates for CLEC orders are adequate and comply with BellSouth's obligations to provide nondiscriminatory access to its OSS. GPSC Report at 99-102; LPSC Evaluation at 43-45. As I previously testified, however, BellSouth places excessive reliance on manual processing, and correspondingly fails to provide the CLEC orders with the same flow-through capability (of virtually 100 percent) that it enjoys in its retail operations. As a result, BellSouth has not met its obligation to provide nondiscriminatory access and is denying CLECs a meaningful opportunity to compete. Bradbury Decl., ¶¶ 57-113.

28. In my previous Declaration, I described the ways in which excessive manual processing denies CLECs a meaningful opportunity to compete. For example, BellSouth's high rate of manual fall-out denies CLECs the same real-time access to order status information that BellSouth has in its retail operations, results in later due dates for many more CLEC customers than BellSouth's retail customers, increases the risks of provisioning errors, and increases the costs for CLECs and BellSouth (which simply passes the costs on to CLECs in the form of higher rates).

29. Recent admissions by BellSouth, however, show that manual processing has an additional adverse effect on CLECs. As I previously testified, the due dates that BellSouth assigns to partially mechanized orders will often be later than those for fully mechanized orders, because BellSouth takes almost 18 hours longer, on average, to return a FOC for a partially mechanized order. BellSouth recently acknowledged to AT&T that if an order is partially mechanized, and the due date on the FOC returned to the CLEC is erroneous, the due date must be corrected by the LCSC. BellSouth further acknowledged that the LCSC has *not* consistently assigned due dates on FOCs -- and that, as a result of this problem, BellSouth is retraining its LCSC representatives.

30. In short, a partially mechanized order may well receive a due date that is later than that of a similar BellSouth retail customer even if the assigned due date is correctly calculated. Yet, if the due date assigned for that LSR is incorrect, the CLEC will be required to contact the LCSC to have the due date corrected, which likely will result in an even *later* due date. This procedure only increases the disparity in due dates between partially mechanized orders and BellSouth's retail orders.

31. As AT&T discusses in its reply comments, the analyses of BellSouth's reported flow-through data by the Georgia and Louisiana PSCs are fundamentally flawed for several reasons, including their failure to recognize BellSouth's constant inability to meet the applicable benchmarks established by the PSCs themselves (much less approach the nearly 100 percent flow-through rate of BellSouth's retail orders). Perhaps the most fundamental flaw in the State commissions' analyses, however, lies in their assumption that BellSouth's reported flow-through data are accurate, reliable, and trustworthy.[13] Moreover, the Georgia PSC's analysis appears to overstate substantially the number of electronically submitted orders that fall out for manual handling due to CLEC errors.

1. BellSouth's Flow-Through Data Are Untrustworthy.

32. In their opening comments, AT&T and other parties presented evidence showing that the flow-through data on which BellSouth relies in its application cannot reasonably be assumed to be accurate and reliable. AT&T, for example, pointed out that BellSouth already had revised flow-through data on which it relied in its application, BellSouth had failed to provide data underlying its flow-through reports, and BellSouth's flow-through rates for August were suspect because they represented such a dramatic increase from the rates reported by BellSouth for July, even though BellSouth had not recently provided additional flow-through capability. *See* Bradbury Decl., ¶¶ 83 nn.31-32; Bursh/Norris Decl. ¶¶ 83-84 & nn.43-45, 98. Birch demonstrated that BellSouth had substantially overstated Birch's flow-through rates by erroneously reporting "a multitude of orders as having flowed through but in

[13] The GPSC and LPSC both rejected arguments of the CLECs that BellSouth's reported performance data lacked integrity. Thus, in their respective flow-through analyses, the PSCs did not question the integrity of the flow-through data reported by BellSouth. *See* GPSC Report at 99-100, 131-134; LPSC Evaluation at 30, 44-45.

fact contained evidence of manual intervention maintained by BellSouth." Birch Comments at 11. When these errors were corrected, Birch found that its actual flow-through rate was only 57.09 percent – almost 40 percentage points lower than that reported by BellSouth. *Id.* at 11-15. WorldCom similarly found that in view of BellSouth's revisions to its reported data, evidence that BellSouth is reporting some of its manually processed orders as having flowed through, and the failure of certain important order types (including even basic UNE-P orders) to flow through, BellSouth's flow-through data could not be trusted. WorldCom Comments at 17-20.

33. Indeed, BellSouth's October 25 *ex parte* submission to the Commission makes abundantly clear that its flow-through data cannot be trusted. First, according to the *ex parte* BellSouth has repeatedly revised the flow-through data on which it relies in its application.[14] Second, the explanations that BellSouth offers in the *ex parte* for the revisions do not withstand scrutiny.

[14] The flow-through rates that BellSouth describes in its October 25 *ex parte* are "CLEC Error Excluded Rates," which is the flow-through measure on which BellSouth relied in its Application. *See* October 25 *ex parte* at 3; Stacy Aff., ¶¶ 284, 298; Bradbury Decl., ¶¶ 80-81. As I have previously testified, this rate is an inappropriate measure of flow-through because it fails to take into account manual fall-out caused by BellSouth's system design while including fall-out caused by CLEC errors. Bradbury Decl., ¶ 81. Thus, the CLEC Error Excluded Rate is inconsistent with the Commission's repeated holdings that: (1) a BOC is accountable for flow-through problems except to the extent that the BOC can show that the manual fall-out is due to errors committed by CLECs, rather than to the design or operation of the BOC's own systems; and (2) the obligation to provide nondiscriminatory access applies regardless of whether the BOC has designed its systems to provide access to OSS functions to CLECs through a gateway, rather than through the more direct access used by its own retail operations. *See id.* ¶¶ 59 & n.25, 81; *Michigan 271 Order*, ¶ 139. Of the flow-through rates reported by BellSouth in its monthly reports, only the "Achieved Flow-Through Rate" – which includes LSRs that fall out due to BellSouth system design or system errors while excluding manual fall-out due to CLEC errors – is consistent with the Commission's requirements. Bradbury Decl., ¶ 79. As the table attached hereto as Attachment 10 demonstrates, BellSouth has revised both the CLEC Error Excluded Rate and Achieved Flow-Through Rate for the months of June, July, and August 2001.

34. The October 25 *ex parte* shows that BellSouth has already revised its flow-through rates – both the aggregate rates and the flow-through rates for individual categories (Residential Resale, Business Resale, and UNEs) – at least twice since they were originally filed. The aggregate rates for June and August 2001 have already been revised twice, and the aggregate rates for July 2001 have been revised *three times*. *All* of these revisions were filed during October. *See* Attachment 1 at 3, 8.

35. In addition to the revisions in the aggregate flow-through rates that it describes in the October 25 *ex parte*, BellSouth filed revised flow-through rates for individual CLECs for the month of August 2001 on October 8, 2001. On November 5, 2001, BellSouth sent AT&T an additional revision to the August report "[d]ue to a sorting problem with the UNE Detail Report." BellSouth Flow-Through Report, dated November 5, 2001. Thus, BellSouth has already revised the August 2001 flow-through rates (aggregate and individual CLEC) a total of five times – and all of these revisions occurred within five weeks after they were originally issued.

36. The revised aggregate "CLEC Error Excluded Rates" (the flow-through rates on which BellSouth relies in its Application) are between 4 and 10 percentage points lower than the rates originally reported by BellSouth. BellSouth's most recent revised rate for June 2001 is 82.84 percent, compared to the originally-filed rate of 88.16 percent. For July, the most recent revised rate is 77.39 percent, which is nearly 10 percentage points lower than the 87.38 percent rate that BellSouth originally reported. The most recent revised rate for August 2001 is 87.42 percent, as opposed to the 91.50 rate originally filed. Attachment 1 at 3, 8.

37. Like the aggregate rates, the "CLEC Excluded Error Rates" for individual categories – residential resale, business resale, and UNEs – have been revised since their original

filing. According to the October 25 *ex parte*, BellSouth has revised these rates once for the month of June, and twice for the months of July and August. *Id.* at 8.

38. In some individual categories, the revised CLEC Error Excluded rates represent an even more dramatic reduction from the originally-filed rates than the aggregate rates. This is particularly true of the CLEC Error Excluded Rate for UNEs. For June 2001, the UNE rate has been revised from the original 78.33 percent to 70.70 percent. For July 2001, the most recent revised rate is 67.36 percent, and the originally reported rate was 90 percent – a startling reduction of more than 22 percentage points. For August 2001, BellSouth has revised the UNE rate from 93.13 percent to 80.82 percent – a reduction of more than 12 percentage points. *Id.* Thus, although the originally-reported UNE rates were above the 85 percent benchmark established by the PSCs for July and August, the revised rates are below the benchmark for all three months – falling short by approximately 4 percentage points in August, 18 percentage points in July, and 14 percentage points in June.

39. The CLEC Error Excluded Rates for business resale also have been revised significantly for the months of July and August 2001. Although the revisions in the June rate were *de minimis* (from 57.26 percent to 57.11 percent), the revised rate for July was approximately 9 percentage points lower than that originally reported (60.99 percent versus 69.92 percent). Similarly, BellSouth has revised the August rate from 80.72 percent to 72.14 percent – a reduction of approximately 8.6 percentage points. *Id.*

40. Finally, BellSouth's revisions have caused reductions in the CLEC Error Excluded Rate for residential resale for June and July. The June rate was 92.21 percent as originally reported, but is 87.52 percent as revised. For July, the rate was 87.09 percent as originally reported, and 81.70 percent as most recently revised. Revisions in the August rate, by

contrast, have caused only a small reduction (less than half of a percentage point) from the rate originally reported. *Id.*

41. BellSouth's revisions have also included a significant revision in the number of "issued service orders" – the number of orders that are considered to have flowed through and that are used as the numerator in calculating the various flow-through rates reported by BellSouth. These volumes are reported in BellSouth's monthly flow-through reports. Although the number of issued service orders originally reported by BellSouth for June was virtually the same after the revisions (202,991 compared to 202,972), the number of issued service orders for July was 220,296 as originally reported and 209,036 as revised – a difference of more than 11,000 LSRs. For August, the change was even more substantial: 267,102 LSRs were originally reported as issued service orders, but BellSouth has revised that figure to 250,302 LSRs – a difference of nearly 17,000 LSRs.[15]

42. The frequency and magnitude of these revisions preclude any presumption that the reported flow-through rates are reliable. There is no legitimate reason why BellSouth should have needed to revise its rates two, three, or four times within one month. The methodology for calculating these rates is well-established. Constant revisions of data should not be necessary.

43. Although BellSouth's October 25 *ex parte* attempts to offer explanations for its revisions, the explanations are so illogical that they only serve to cast further doubt on the reliability of the reported flow-through data. First, BellSouth contends that a due date calculation feature that it implemented in June had the effect of mischaracterizing certain fall-out

[15] A table comparing the issued service orders for those months, as originally reported and later revised ("R") by BellSouth, is attached hereto as Attachment 11.

as "planned manual fall-out" (which is excluded from the denominator in computing the CLEC Error Excluded Rate), rather than as a BellSouth system error, for the months of June, July, and August. October 25 *ex parte* (Attachment 1 hereto) at 2, 4. BellSouth has maintained that this mischaracterization was a function of the metrics reporting process and that the ordering OSS were functioning properly. In fact, however, the ordering OSS (LESOG) – not the metrics system -- place the text string ("MANUALP") for planned manual fall-out into the record of the transaction used by the metrics system and route the transaction to the LCSC identified for manual processing.[16] Furthermore, in addressing this problem – which was caused by a defect in the due date calculation feature installed by BellSouth (and thus is exclusively a BellSouth-caused problem) -- BellSouth treats the problem as having been caused by BellSouth *and* the CLECs, reclassifying some of the "mischaracterized" transactions as CLEC Caused Fallout. *Id.* at 4.[17] Thus, BellSouth's change in the OSS did not achieve a correct or neutral result in the performance data.[18]

[16] Although BellSouth suggests that its flow-through data showed an extensive "mischaracterization" problem, the monthly error reports in BellSouth's flow-through reports contain no prior indication of due date calculation failures of the order of magnitude that BellSouth's revisions suggest. For example, BellSouth's Error Analysis has long included an Error Code 7500 for "Due date could not be determined," but the reports for 2001 list instances under this code for only 4 months. Even for those four months, few instances were reported (4 in January, 1 in June, 4 for July, and 20 in August). Moreover, although BellSouth's explanation suggests that the problems with the due date calculation feature were eliminated by September 1, BellSouth's error analysis report for September lists 7,673 occurrences under Error Code 9685 ("Due date could not be calculated"). In fact, BellSouth's recent response to AT&T's change request 0520 confirms that due date calculation problems still exist. *See* ¶ 20, *supra*.

[17] BellSouth contends that in recalculating the flow-through data to correct this "error," it used a "worst case" scenario, counting as CLEC-caused fallout any LSRs that its service representatives clarified back to a CLEC due to a CLEC error but counting all other impacted LSRs as BellSouth-caused fallout. October 25 *ex parte* (Attachment 1 hereto) at 4. As stated above, it is illogical for BellSouth to count any portion of these LSRs as CLEC error, since the problem was caused exclusively by BellSouth. BellSouth's "worst case" scenario is also fatally flawed because it counted as CLEC-caused fallout any order that had Error Code 1000, which simply
(…continued to next page)

44. Second, BellSouth claims that an error occurred in a computer code that it implemented in July when it attempted to improve a metric calculation script associated with the treatment of "dummy FOCs" in the flow-through rate. A "dummy FOC" is a confirmation that the CLEC has successfully cancelled an existing LSR before BellSouth has issued a FOC or rejection notice on that original LSR. According to BellSouth, its coding error caused dummy FOCs to be classified improperly as total system fallout (BellSouth system error) rather than as an issued (flow-through) service order. *Id.* at 2,5. BellSouth contends that the script has now been corrected, causing the number of issued service orders to increase and the number of BellSouth-Caused Fallout (*i.e.,* system errors) to decrease. *Id.* at 5.

45. BellSouth's "dummy FOC" explanation, however, is illogical. The original metric calculation script that BellSouth sought to "improve" was approved by KPMG in its third-party testing in Georgia on which BellSouth relies so heavily.[19] Moreover, contrary to

---

(…continued from previous page)
means a CLEC error of some kind – not simply an error involving a due date. Furthermore, although BellSouth's approach should only have shifted transactions from one category to another without affecting the total number of transactions, BellSouth's revised monthly error reports describe substantially more error code transactions than were reported in the original error reports. For example, although BellSouth has not yet provided revised error reports for June and July, its revised monthly error report for August lists 6,363 more instances of Error Code 1000 than those originally reported (and assigns 6,191 of those additional instances to the CLECs). BellSouth has provided no explanation for this increase.

[18] The fact that BellSouth's revisions impacted flow-through rates for residential resale, business resale, *and* UNEs for the months of June through August 2001 also conflicts with BellSouth's claim that the due date calculation enhancement that it attempted to make in June affected only UNE-P orders. *See* October 25 *ex parte* (Attachment 1 hereto) at 4. Of the various explanations that BellSouth offers for its revisions, only its explanation regarding the due date calculation feature – which, it contends, involved only UNE-P orders – is described by BellSouth as affecting June data. *Id.* at 2-6.

[19] In fact, BellSouth's Application contends that KPMG fully validated both its performance data and the systems from which these data were derived. *See* Application at 24 (stating that "BellSouth's performance data have been, and continue to be, validated by a comprehensive
(…continued to next page)

BellSouth's suggestion, dummy FOCs were *not* treated as total system fall-out prior to the script change. They were treated as manual (designed) fall-out (which were excluded from the denominator in the calculation of the flow-through rate) or as BellSouth system error, as they were being processed. Furthermore, both before and after the July "improvement," the originally-submitted LSR has been accounted for in BellSouth's flow-through report as a "Pending Supp (Z-Status)" – a category that is excluded from the denominator of all of the flow-through rates reported by BellSouth. Thus, there was no need for a script change, and BellSouth has erred in increasing the number of issued service orders (and decreasing the number of BellSouth-Caused Fallout) as a result of the change. *See* DOJ Eval. at 36-37 n.128.

46. Third, BellSouth states that in August it attempted to "improve a second metric calculation script associated with the treatment of post-FOC service orders (TSIGNOUT) that require manual handling to pass downstream edits," but the script change was inaccurate. According to BellSouth, the change was made because these orders "can be counted as 'Issued SOs' according to the definition of Flow-Through in the SQM." *See* October 25 *ex parte* (Attachment 1 hereto) at 2, 6. Again, however, there was no need to "improve" the script in question (which, like the script for dummy FOCs, was approved by KPMG in the Georgia third-

---

(…continued from previous page)
independent third-party audit by KPMG," which "confirmed that BellSouth has systems and procedures in place to collect and report data accurately, that it follows those procedures, and that the end results are an accurate reflection of the performance that BellSouth provides its CLEC wholesale customers. The KPMG audits . . . have confirmed the accuracy of the data that BellSouth reports"). Furthermore, in response to an observation issued by KPMG in its Florida test regarding its flow-through data, BellSouth stated that it had implemented a change in its script in March 2001 that corrected the problem with its flow-through data found by KPMG. *See* BellSouth's Amended Response to KPMG Florida Observation 68, at 2 (attached hereto as Attachment 12). That implementation, of course, occurred several months *before* the script changes that BellSouth purportedly found necessary to correct its flow-through data for July and
(…continued to next page)

party test). Even before the attempted "improvements" to the script, any LSR that flowed through to SOCs without manual intervention *already* was treated as an "issued service order" for purposes of the flow-through calculation, *regardless* of whether it later fell out for downstream edits. This is made clear by BellSouth's instructions to CLECs for determining their own flow-through rates. The instructions state that "as each of the flowthrough steps is executed, LSRs that meet that step's criteria are removed from the base pool of LSRs, *and are not included in any further calculations*."[20] Consequently, there was no need for BellSouth to make the change in the first place.

47. In short, BellSouth is claiming that it made the revisions in the flow-through rates to take actions that in fact were never required, or for other reasons that simply do not withstand scrutiny. Far from justifying the revisions, its explanations further undermine their reliability.

48. Other aspects of BellSouth's revised data raise serious questions about their reliability. For example, BellSouth still has not issued revised its error analysis reports for June and July, thereby precluding any validation of the accuracy of the revised figures. The number of errors in the revised August error analysis report is more than 27,000 greater than the number originally reported, even though the original error report was supposed to capture *all* errors found in LSRs, regardless of whether the errors caused rejection or manual fall-out. Furthermore, although the revised CLEC Error Excluded Flow-Through Rates suggest that BellSouth's flow-through performance in August and September has improved, the table

---

(…continued from previous page)
August.

[20] *See* "CLEC LSR Information" report for July 1 – July 31, 2001, at 2 (attached hereto as
(…continued to next page)

attached hereto as Attachment 11 shows that the percentage of issued service orders to all mechanized LSRs has remained relatively constant throughout 2001.

49. BellSouth's October 25 *ex parte* undermines the reliability of its reported flow-through data in another respect. BellSouth acknowledges that its reported flow-through rates have not taken account of xDSL LSRs, and that such LSRs will be included only beginning with the reported September data (when they will be manually included). *See* Attachment 1 hereto at 2, 7. Although BellSouth attributes this omission to the fact that it processes xDSL LSRs from a separate corporate gateway that was not feeding them into the flow-through results (*id.*), BellSouth implemented that gateway in February 2001 – more than eight months ago. BellSouth has provided no reason why it took so long to discover this omission.[21]

50. In finding that BellSouth's flow-through performance is satisfactory, the Georgia PSC stated that BellSouth's flow-through rates "should improve as a result of the Flow-Through Improvement Task Force." GPSC Report at 100. As I have previously testified, however, the progress of the Improvement Task Force has been disappointing. In fact, manual fall-out rates have increased since the Task Force was created. Bradbury Decl., ¶¶ 98-101. Furthermore, Mr. Stacy, BellSouth's OSS witness, agreed in a deposition on September 28 that,

---

(…continued from previous page)
Attachment 13) (emphasis added).

[21] BellSouth has engaged in similar behavior in the past with respect to LNP orders – which, like xDSL orders, are processed on a technology platform separate from that used for other LSRs. Although BellSouth placed the LNP gateway into service in September 1998, it did not report any flow-through data for LNP until January 2000. BellSouth has not explained why it will not report flow-through rates separately for xDSL orders, as it now does for LNP orders, but will instead simply include xDSL orders in the aggregate rate for UNEs even though xDSL orders are processed from a separate corporate gateway.

barring some process breakthrough, "it is unlikely there will be significant improvement in manual fallout by design in the foreseeable future."[22]

2. The Georgia PSC's Analysis of the Volume of Manual Fall-Out Is Factually Flawed.

51. In responding to the evidence that AT&T and other CLECs presented of BellSouth's excessive reliance on manual processing of electronically-submitted CLEC LSRs, the Georgia PSC stated:

> [T]he Commission does not find credible AT&T's allegation that "more than 70,000" LSRs fell out for manual handling in March 2001 due to BellSouth's system. As BellSouth correctly points out, this figure includes LSRs that fell out due to CLEC errors; the number of LSRs that fell out for manual handling by design in March 2001 was approximately 30,000. *Stacy OSS Reply Affidavit*, ¶ 60. The evidence reflects that designed manual fall-out affects only 8-9% of all electronic LSRs, and any manual processing from errors affects only 12-13% of electronic LSRs. *Id. at* ¶ 111.

GPSC Report at 101.

52. The Georgia PSC suggests that only approximately 30,000 of the 70,000 LSRs fell out for manual processing in March 2001 for reasons attributable to BellSouth. This is

[22] *See* Deposition of William Stacy taken September 28, 2001, in North Carolina Utilities Commission Docket No. P-55, Sub 1022, at 98 (Attachment 14 hereto). With respect to the categories of LSRs that BellSouth has designed to fall out for manual processing, Mr. Stacy stated:

> I don't have any of what we call big hitters left where I could fix one thing and improve flow-through 20 percent or even 5 percent. So we are talking about stuff that has been split down to hundreds of different cases, and we work with the CLEC and the flow-through task force to go through and pick out the most urgent twenty cases. In any case, we are getting minimal improvements from fixing one thing.

Id. at 96.

incorrect, as BellSouth's flow-though reports for that month demonstrate. A copy of the March 2001 flow-through reports is attached hereto as Attachment 15.

53. As will be seen from an examination of Attachment 15 hereto, the BellSouth monthly flow-through reports set forth three separate categories that are relevant for purposes of manual fall-out. Those categories are: (1) Total Manual Fallout, which includes all LSRs that fell out for manual processing because they were designed to fall out by BellSouth; (2) BST Caused Fallout, which includes all LSRs that fell out due to errors in BellSouth's systems (system error); and (3) CLEC Caused Fallout, which includes all orders that fell out due to errors made by CLECs in preparing or submitting the LSR.[23] The total volume of BellSouth-caused fall-out, therefore, is the sum of the "Total Manual Fallout" and "BST Caused Fallout" categories in the "aggregate" and LNP flow-through reports for March.[24] The fall-out due to CLEC errors is the sum of the volumes of LSRs in the "CLEC Caused Fallout" category in the two reports.

[23] The LSRs classified as "auto clarifications" in the flow-through report are not treated as manual fall-out or otherwise included in the calculation of flow-through rates, because "auto clarifications" are orders that have errors that cause them to be rejected and returned automatically to the CLECs. "Pending supps" (Z Status) are supplemental LSRs that are sent by a CLEC to correct an LSR that is already pending. Although these "Pending supps" can arguably be classified as BellSouth-caused because BellSouth has designed them to fall out for manual processing, I did not count them as manual fall-out because they are relatively limited in number. The category of "Total System Fallout" is the sum of the "BST Caused Fallout" and "CLEC Caused Fallout."

[24] BellSouth files a separate flow-through report regarding electronically-submitted orders for local number portability ("LNP"). The data set forth in the LNP flow-through report is not included in the "aggregate" flow-through report filed by BellSouth ("Report Percent Flow-Through Service Requests (Detail)"), which encompasses all LSRs other than those for LNP. Thus, the total volumes of Total Manual Fallout, BST Caused Fallout, and CLEC Caused Fallout in March 2001 is calculated by adding the total volumes on page 11 of the "aggregate" report to the totals on page 2 of the "LNP" report.

54. According to the March 2001 flow-through reports, 37,340 LSRs were Total Manual Fallout (fall-out caused by BellSouth design), and 27,834 LSRs were BST Caused Fallout (fall-out caused by BellSouth system error). Thus, the total volume of BellSouth-caused fall-out in March was 65,174 LSRs. By contrast, only 8,813 LSRs fell out due to CLEC errors (CLEC Caused Fallout).[25] In short, of the 73,987 LSRs in the three categories, more than 88 percent were due to BellSouth system design or system error.[26]

55. Thus, the Georgia PSC's statement that only "approximately 30,000" LSRs "fell out for manual handling by design" is flawed in three significant respects. First, the Georgia PSC understated the volume of LSRs that fell out by design by more than 7,000 LSRs. Second, the Georgia PSC failed to take into account the more than 27,000 additional LSRs that fell out due to BellSouth system errors. Third, the Georgia PSC failed to recognize that less than

[25] In Attachment 15 of my previous Declaration, I described the number of LSRs that fell out due to CLEC errors in March 2001 as 9,036, and a combined total fall-out in March of 74,210 LSRs in all three categories. Bradbury Decl., Att. 15. I calculated the number of LSRs that fell out due to CLEC errors by using the LNP flow-through report originally prepared for March by BellSouth. However, BellSouth filed a revised LNP flow-through report for March that reduced the volume of CLEC Caused Fallout from 1,251 to 1,028 LSRs. (The revised LNP flow-through report is the LNP report included in Attachment 15 to this Reply Declaration.) BellSouth has not changed the number of LSRs that fell out due to CLEC errors (7,785) that it originally listed in the flow-through report for non-LNP orders. Thus, the actual volume of CLEC Caused Fallout in March was 8,813 LSRs, rather than 9,036 – and the total number of electronically-submitted LSRs that fell out for manual processing in March was 73,987, rather than 74,210.

[26] *See* Attachment 15 hereto. In my testimony before the Georgia PSC, I stated that "In March 2001, for example, more than 70,000 electronic CLEC LSRs fell out for manual processing because of BellSouth system design or system errors." *See* Affidavit of Jay M. Bradbury submitted May 31, 2001, in GPSC Docket No. 6863-U (attached hereto as Attachment 16), ¶ 32. Because the actual figure was 65,174, I should have used the phrase "more than 65,000" rather than "more than 70,000." That overstatement, however, did not change the fact that CLEC errors accounted for only approximately 8,900 (or less than 12 percent) of all LSRs that fell out for manual processing in March 2001.

8,800 of the approximately 74,000 LSRs that fell out for manual processing did so because of CLEC errors.

56. The Georgia PSC's statement that "manual processing from errors affects only 12-13% of electronic LSRs" is also incorrect, to the extent that the PSC assumes that the "errors" include both BellSouth-caused *and* CLEC-caused errors. As I have previously testified, 21 percent of all electronically submitted LSRs fell out for manual processing in March 2001 due to Bell system design or BellSouth system error. Bradbury Decl. ¶ 83 & Att. 15. And, as the Georgia PSC notes, BellSouth has admitted that 8 to 9 percent of all electronic LSRs fall out due to BellSouth design. GPSC at 101; Stacy Aff., ¶ 295. Thus, the "manual processing from errors" to which the GPSC refers is solely manual processing caused by *BellSouth's* errors – not by CLEC errors.

57. The analysis of the Georgia PSC does not include an analysis of BellSouth's performance since March 2001. As I previously testified, since that time the rate of BellSouth-caused manual fall-out increased, to 24 percent in June and 26 percent in July. Bradbury Decl., ¶ 83 & Att. 15. By contrast, the percentage of all electronic LSRs that fell out due to CLEC-caused errors was only 2.6 percent in July, as opposed to 2.9 percent in March. *Id.,* Att. 15. Thus, BellSouth's performance has been getting worse, while the rate of CLEC-caused fall-out has decreased.[27]

[27]Among the results of the high rate of BellSouth-caused fall-out of CLEC orders are the lengthy call answer times at the Local Carrier Service Center, which CLECs must contact if they need assistance (such as order status information). *See* Bradbury Decl., ¶¶ 237-241. In my testimony before the Georgia PSC, as in my testimony before this Commission, I described the call answer times reported by BellSouth separately for (1) its Business Service Center ("BSC"), which serves BellSouth's retail customers; (2) its Residential Service Center ("RSC"), which serves BellSouth's residential customers; and (3) the LCSC. *Id.* ¶ 239; Bradbury GA Aff., ¶ 39 (Attachment 16 hereto). I showed that the answer times at the LCSC have been two to three (…continued to next page)

B. BellSouth Has Not Returned Status Notices In a Timely Manner.

58. As AT&T demonstrates in its reply comments, the Georgia and Louisiana PSCs were incorrect in finding that BellSouth returns adequate, complete, and timely status notices to CLECs. I will comment on only one aspect of the Georgia PSC's analysis of this issue.

59. At one point in its analysis of FOC timeliness, the Georgia PSC suggests that BellSouth's reported performance data may understate its performance in this area:

> BellSouth contends that for LSRs submitted electronically, BellSouth's FOC and reject timeliness performance is understated because it reflects LSRs issued when the back-end legacy systems are out of service, even though, according to BellSouth, such hours should be excluded from the measurement consistent with the SQM. BellSouth also claims that, with the implementation of May 2001 data, BellSouth changed the time stamp identification for the start and completed time of the interval for these measurements. However, with this change, BellSouth was unable to identify multiple issues of the same version of the LSRs that may be rejected (fatal rejects), which should be excluded from the measurement. BellSouth indicates that it continues to investigate and will implement programming changes to address both of these issues. *Stacy Performance Affidavit* ¶ 140.

Georgia PSC Report at 95 n.17.

60. BellSouth's suggestion that its performance is understated, however, is without merit, because fatal rejects have *not* been included in the timeliness measurement for FOCs when a CLEC submits multiple issues of the same version of an LSR. Once a CLEC

(…continued from previous page)
times longer than those of the BSC. *Id.* This disparity in answer times has a particularly adverse impact on CLECs where, as in AT&T's case, business customers constitute a substantial portion of the CLEC's customer base. The Georgia PSC, however, did not consider the disparity between the answer times of the LCSC and BSC. Instead, it compared the answer times of the LCSC with the *combined* answer times of the BSC and the RSC (which has far longer answer times than both the LCSC and the BSC). GPSC Report at 86. Because the volume of calls received at the RSC is several times greater than that received by the BSC, their combined retail
(…continued to next page)

sends an LSR, any subsequent LSR with the same purchase order number and same version number as the original LSR will be rejected by BellSouth's systems – and will not be counted towards the timeliness of FOCs. BellSouth will issue a FOC only for the original LSR, and only that FOC will be considered in determining FOC timeliness for that LSR for purposes of BellSouth's performance data. In short, BellSouth's suggestion that multiple issues of the same LSR "should be excluded from the measurement" is a red herring, because such issues (other than the original LSR) *are* already excluded from the measurement.

III. KPMG HAS CONTINUED TO FIND DEFICIENCIES IN BELLSOUTH'S OSS IN ITS CURRENT THIRD-PARTY TESTING IN FLORIDA.

61. In its opening comments, AT&T described numerous exceptions and observations that KPMG had issued in its third-party test in Florida, and that were still open, showing that BellSouth is denying parity of access to its OSS. *See, e.g.*, Bradbury Decl., ¶¶ 112-113, 146-147, 154-156, 196-200, 212, 227. However, during October and November 2001, KPMG has issued *additional* exceptions and observations (beyond those described in AT&T's opening comments) regarding BellSouth's OSS – providing further confirmation that BellSouth has not provided parity of access.

62. With respect to ordering and provisioning, for example, KPMG has issued Observation 128, finding that BellSouth did not provide flow-through classification information for DSL orders – confirming the prior statements of BellSouth (and prior finding of KPMG) that BellSouth was not including all relevant data in its flow-through calculations.[28] KPMG has also

---

(…continued from previous page)
answer time is longer than that of the LCSC – masking the lower answer times of the BSC.

[28] KPMG Observation 128, dated October 15, 2001 (attached hereto as Attachment 17). KPMG's observation confirmed its previous exception finding that BellSouth did not capture
(…continued to next page)

issued one exception and two observations finding that BellSouth is not providing adequate and timely status notices. In Exception 117, KPMG found that BellSouth had not issued manual FOCs on orders that KPMG had submitted manually.[29] In Observation 122, KPMG found that it had not received completion notices for LSRs that it had submitted via the TAG interface.[30] In Observation 127, KPMG found that BellSouth was not providing complete FOCs or completion notices for xDSL LSRs submitted via the LENS interface.[31]

63. KPMG has also issued new observations detailing deficiencies in BellSouth's change control process. In Observation 123, KPMG found that BellSouth does not have sufficient processes or documentation available with sufficient detail to guide a CLEC during the upgrade of the EDI and TAG interfaces.[32] Furthermore, in Observation 124, KPMG found that BellSouth failed to comply with the procedures required by the CCP for changing and correcting defects in CLEC-impacting documentation.[33]

64. KPMG's testing also has found serious capacity problems in BellSouth's electronic OSS. As AT&T's witness Sharon Norris previously testified in this proceeding,

---

(…continued from previous page)
xDSL transactions in its flow-through metrics. Bradbury Decl., ¶ 113 n.53 & Att. 33.

[29] KPMG Exception 117, dated November 1, 2001 (attached hereto as Attachment 18). *See also* KPMG Exception 116, dated November 1, 2001 (attached hereto as Attachment 19) (finding that BellSouth did not provide the expected responses on nearly 25 percent of the LSRs that KPMG manually submitted; BellSouth issued clarifications even though the purportedly "missing" resale form was not required, issued FOC due dates earlier than the requested due dates, issued clarifications inconsistent with BellSouth's business rules, and issued FOCs on orders that had contained intentional errors).

[30] KPMG Observation 122, dated October 5, 2001 (attached hereto as Attachment 20).

[31] KPMG Observation 127, dated October 15, 2001 (attached hereto as Attachment 21).

[32] KPMG Observation 123, dated October 5, 2001 (attached hereto as Attachment 22).

[33] KPMG Observation 124, dated October 12, 2001 (attached hereto as Attachment 23).

KPMG's planned five-day volume testing was aborted on the very first day because several of BellSouth's interfaces failed to meet the applicable standard even at the lowest level of planned volumes.[34]

65. However, when KPMG resumed the volume testing on October 30, 2001, it found that nearly 20 percent of its pre-ordering queries received invalid responses. Nearly 300 of the invalid responses stated, "RESOURCE LIMITATION; UNABLE TO PROCESS TRANSACTION – PLEASE SUBMIT." The "resource limitation" to which BellSouth refers can only mean insufficient capacity. As a result of this deficiency, KPMG issued a new exception (Exception 118) on November 7, 2001. A copy of Exception 118 is attached hereto as Attachment 24

66. Finally, KPMG recently recommended to the Florida PSC that further testing be conducted on BellSouth's new UNE billing systems to be implemented in December 2001, given the failure of the existing billing systems to pass KPMG's test to date. A copy of KPMG's October 23, 2001 letter to the Florida PSC is attached hereto as Attachment 25. The Florida PSC agreed with KPMG's recommendation and has directed KPMG to test the new UNE billing system.

IV. BELLSOUTH'S "REGIONALITY" ARGUMENT

67. The LPSC finds that the Georgia test is relevant to the issue of whether BellSouth should be granted Section 271 authority in Louisiana, because BellSouth has shown that its processes and systems are "the same." LPSC Evaluation at 25-29. As AT&T and WorldCom have demonstrated, however, BellSouth has *not* shown that its Louisiana and

[34] Declaration of Sharon E. Norris on behalf of AT&T, ¶¶ 15-21.

Georgia systems are essentially the same. Bradbury Decl., ¶¶ 261-273; Comments of WorldCom at 51- 54.

68. In fact, in testimony earlier this month, before the North Carolina Utilities commission, the Managing Director of KPMG (Michael Weeks) made clear that KPMG never intended that its report on the Georgia testing should be used for purposes of determining BellSouth's compliance with Section 271 in the other States in its region. Mr. Weeks stated that KPMG "never intended the Georgia report to be used by other than the Georgia commission. . . . And so it give us a little bit of cause for pause that it's being used in another jurisdiction in a way that we didn't intend for it to be used and in a way that we explicitly tried to keep from happening."[35]

69. Mr. Weeks also recognized that the scope of the Georgia test was limited. He stated that the North Carolina Commission "need[s] to make [its] own assessment of the areas that weren't evaluated in the Georgia test" and to determine "whether there are areas there that you feel, as a Commission, that you would like to have some record on." Attachment 26 at 138.

70. Finally, Mr. Weeks made clear that in the Georgia test, KPMG made no evaluation of whether BellSouth's OSS in other States are the same as those in Georgia: "we haven't done any work, how much of Georgia systems and processes and methods and documentation, and all of that stuff, apply to this jurisdiction. We don't know the answer to that question." *Id.* at 139.

[35] Transcript of proceedings conducted November 1, 2001, in North Carolina Utilities Commission Docket No. P-55, Sub 1022, at 137-138. A copy of the relevant portions of Mr. Weeks' testimony is attached hereto as Attachment 26.

71. In short, KPMG itself never intended that its report on the Georgia test be used in considering whether BellSouth should be granted Section 271 authority in a state other than Georgia, particularly since the scope of the Georgia test was limited and included no assessment of whether BellSouth's OSS are "the same" in all the States in its region.

I hereby declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Executed on November __, 2001

_____
Jay M. Bradbury